

STATE OF IOWA
BOARD OF EDUCATIONAL EXAMINERS
Grimes State Office Building – 400 East 14th Street
Des Moines, Iowa 50319-0147

Minutes

March 5, 2004

Table of Contents

	<u>Page</u>
Motions	2
Meeting Called to Order	5
Licensee Discipline	5
Welcome by Dr. Walt Gmelch, Dean of the College of Education, ISU	7
Consent Agenda	7
Communication	7
Evaluator Endorsement and License - Adopt	9
Superintendent/AEA Administrator – Adopt	9
Code of Professional Conduct and Ethics – Vote Deferred	10
Code of Rights and Responsibilities – Vote Deferred	10
180-day Timeline	10
Driver Education – Notice	10
Out-of-State Applicants – First Reading	10
Class E License – First Reading	11
Teacher Preparation Update	11
Student Teaching License	12
Adjournment	12

STATE OF IOWA
BOARD OF EDUCATIONAL EXAMINERS
Grimes State Office Building – 400 East 14th Street
Des Moines, Iowa 50319-0147

Motions

March 5, 2004

Anita Westerhaus moved, with a second by Jacqueline Wellborn, that the Board go into closed session for the purposes of discussing whether to initiate licensee disciplinary proceedings and discussing the decision to be rendered in a contested case, pursuant to Iowa Code sections 21.5(1)(d) and 21.5(1)(f).

MOTION CARRIED UNANIMOUSLY.

Jacqueline Wellborn moved, with a second by Anita Westerhaus, that in **case number 03-11**, the Board not initiate review of the proposed decision and allow the proposed decision to become the final decision of the Board unless an appeal is taken by one of the parties within the time allowed by rule. Roll call vote: Westerhaus – yes; Wellborn – yes; Seeland – yes; Paulsen – yes; Jeffrey – yes; Haigh – no; Chen – yes; Carter – yes; Aboud – yes; and Hathaway – yes.

MOTION CARRIED.

Anita Westerhaus moved, with a second by William Haigh , that in **case number 03-20**, the Board find that the allegation that the Respondent failed to fulfill existing contractual obligations was substantiated by the witnesses interviewed and documents gathered in the course of the investigation and that the allegation constitutes a violation of the board's administrative rules.

However, the investigation also revealed mitigating circumstances including: the Respondent's personal circumstances, the timing of the violation, and the Respondent's willingness to assist the district in securing a replacement, which weigh against taking this matter forward to hearing. Based upon these mitigating circumstances, the Board will dismiss this matter and not pursue disciplinary action. Roll call vote: Aboud – yes; Carter – yes; Chen – yes;

1 Haigh – yes; Jeffrey – yes; Paulsen – yes; Seeland – yes; Wellborn – yes;
2 Westerhaus – yes; and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

3
4 William Haigh moved, with a second by Anita Westerhaus, that in **case number**
5 **03-23**, the Board find that the evidence gathered in the investigation, including
6 witness statements and the documentary evidence, does not corroborate the
7 allegations in the complaint, and that the Board therefore lacks probable cause
8 to proceed with this matter. Roll call vote: Aboud – yes; Carter – yes; Chen –
9 yes; Haigh – yes; Jeffrey – yes; Paulsen – yes; Seeland – yes; Wellborn – yes;
10 Westerhaus – yes; and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

11
12 Jacqueline Wellborn moved, with a second by William Haigh, that in **case**
13 **number 03-31**, the Board find probable cause to establish a violation of
14 282 IAC 12.3(1)(c) and 12.3(1)(f) of the criteria for professional practices and
15 competent performance established by this Board and order this case set for
16 hearing. Roll call vote: Westerhaus – yes; Wellborn – yes; Seeland – yes;
17 Paulsen – yes; Jeffrey – yes; Haigh – yes; Chen – yes; Carter – yes; Aboud –
18 recuse; and Hathaway – yes. **MOTION CARRIED.**

19
20 Judy Jeffrey moved, with a second by John Aboud, to approve the February 5,
21 2004, minutes, as distributed. **MOTION CARRIED UNANIMOUSLY.**

22
23 Ying Ying Chen moved, with a second by Jean Seeland, to adopt and file the
24 proposed changes to Chapter 20 that would include licensure requirements for
25 the new evaluator endorsement or license as mandated by the Teacher Quality
26 Bill. Roll call vote: Aboud – yes; Carter – yes; Chen – yes; Haigh – yes; Jeffrey –
27 yes; Paulsen – yes; Seeland – yes; Wellborn – yes; Westerhaus – yes; and
28 Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

29
30 Judy Jeffrey moved, with a second by John Aboud, to adopt and file the
31 proposed changes to the superintendent and AEA administrator endorsements
32 in Chapter 14 that base requirements on the ISSLIC standards, which include
33 knowledge and performance, and combine the superintendent and AEA

1 administrator endorsements. Roll call vote: Westerhaus – yes; Wellborn – yes;
2 Seeland – yes; Paulsen – yes; Jeffrey – yes; Haigh – yes; Chen – yes; Carter –
3 yes; Aboud – yes; and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

4

5 Brian Carter moved, with a second by Tom Paulsen, to file under Notice of
6 Intended action, the proposed changes to the driver education endorsement in
7 Chapter 14 that reduce the number of required semester hours to nine and add
8 course work in drug and alcohol abuse. Roll call vote: Westerhaus – yes;
9 Wellborn – yes; Seeland – yes; Paulsen – yes; Jeffrey – yes; Haigh – yes; Chen –
10 yes; Carter – yes; Aboud – yes; and Hathaway – yes. **MOTION CARRIED**
11 **UNANIMOUSLY.**

1 **STATE OF IOWA**
2 **BOARD OF EDUCATIONAL EXAMINERS**
3 **Grimes State Office Building – 400 East 14th Street**
4 **Des Moines, Iowa 50319-0147**

5
6 **Minutes**
7 **March 5, 2004**
8

9 The Board of Educational Examiners held its monthly meeting on March 5,
10 2004, in the Daniel and Sharon Krieger Board Room of the Gerdin Business
11 Building on the campus of Iowa State University in Ames. Board Chair Peter
12 Hathaway called the meeting to order at 8:03 a.m. Members attending were
13 John Aboud, Brian Carter, Ying Ying Chen, William Haigh, Peter Hathaway,
14 Judy Jeffrey, Thomas Paulsen, Jean Seeland, Jacqueline Wellborn and Anita
15 Westerhaus. Also in attendance were Dr. Anne Kruse, Executive Director of
16 the Board; Christie Scase, Assistant Attorney General and legal counsel to the
17 Board; Barbara Hendrickson, Board Secretary; and other visitors. Assistant
18 Attorney General and legal counsel to the Board Jeanie Vaudt was unable to
19 attend the meeting. Ms. Scase left at 11:26 a.m.

20
21 Anita Westerhaus moved, with a second by Jacqueline Wellborn, that the
22 Board go into closed session for the purposes of discussing whether to initiate
23 licensee disciplinary proceedings and discussing the decision to be rendered in
24 a contested case, pursuant to Iowa Code sections 21.5(1)(d) and 21.5(1)(f).

25 **MOTION CARRIED UNANIMOUSLY.**

26
27 The Board reconvened into open session at 8:52 a.m.

28
29 The Board did not act in **case number 03-10.**

30
31 Jacqueline Wellborn moved, with a second by Anita Westerhaus, that in **case**
32 **number 03-11,** the Board not initiate review of the proposed decision and
33 allow the proposed decision to become the final decision of the Board unless an

1 appeal is taken by one of the parties within the time allowed by rule. Roll call
2 vote: Westerhaus – yes; Wellborn – yes; Seeland – yes; Paulsen – yes; Jeffrey –
3 yes; Haigh – no; Chen – yes; Carter – yes; Aboud – yes; and Hathaway – yes.

4 **MOTION CARRIED.**

5
6 Anita Westerhaus moved, with a second by William Haigh , that in **case**
7 **number 03-20**, the Board find that the allegation that the Respondent failed to
8 fulfill existing contractual obligations was substantiated by the witnesses
9 interviewed and documents gathered in the course of the investigation and that
10 the allegation constitutes a violation of the board’s administrative rules.
11 However, the investigation also revealed mitigating circumstances including:
12 the Respondent’s personal circumstances, the timing of the violation, and the
13 Respondent’s willingness to assist the district in securing a replacement, which
14 weigh against taking this matter forward to hearing. Based upon these
15 mitigating circumstances, the Board will dismiss this matter and not pursue
16 disciplinary action. Roll call vote: Aboud – yes; Carter – yes; Chen – yes; Haigh
17 – yes; Jeffrey – yes; Paulsen – yes; Seeland – yes; Wellborn – yes; Westerhaus –
18 yes; and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

19
20 William Haigh moved, with a second by Anita Westerhaus, that in **case number**
21 **03-23**, the Board find that the evidence gathered in the investigation, including
22 witness statements and the documentary evidence, does not corroborate the
23 allegations in the complaint, and that the Board therefore lacks probable cause
24 to proceed with this matter. Roll call vote: Aboud – yes; Carter – yes; Chen –
25 yes; Haigh – yes; Jeffrey – yes; Paulsen – yes; Seeland – yes; Wellborn – yes;
26 Westerhaus – yes; and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

27
28 Jacqueline Wellborn moved, with a second by William Haigh, that in **case**
29 **number 03-31**, the Board find probable cause to establish a violation of
30 282 IAC 12.3(1)(c) and 12.3(1)(f) of the criteria for professional practices and
31 competent performance established by this Board and order this case set for
32 hearing. Roll call vote: Westerhaus – yes; Wellborn – yes; Seeland – yes;

1 Paulsen – yes; Jeffrey – yes; Haigh – yes; Chen – yes; Carter – yes; Aboud –
2 recuse; and Hathaway – yes. **MOTION CARRIED.**

3
4 Dr. Walt Gmelch, Dean of the College of Education, welcomed the Board and
5 meeting visitors to Iowa State University. He distributed a handout of facts and
6 figures on the college, including the George Washington Carver Teacher
7 Education Program, and pieces on *Brown v. Board of Education* and the
8 desegregation of Central High School in Little Rock, Arkansas. His remarks
9 emphasized the importance of access to education.

10
11 Judy Jeffrey moved, with a second by John Aboud, to approve the February 5,
12 2004, minutes, as distributed. **MOTION CARRIED UNANIMOUSLY.**

13
14 Board Members Jean Seeland and John Aboud spoke briefly about their
15 attendance at the NEA Boards of Teaching Clinic in Baltimore, Maryland. Ms.
16 Seeland shared some printed materials from the conference. She said she was
17 impressed with the resources the NEA can provide and encouraged their use.
18 Board Chair Peter Hathaway later echoed that appreciation. Mr. Aboud showed
19 a flyer he had taken with him to the meeting, which presented various aspects
20 of the Board. He said it was interesting to hear how people view things and
21 noted, once again, that different places are facing different situations. He
22 praised educational associations for working to improve teacher quality. Ms.
23 Seeland then added that she understood that the February or March issue of
24 *Phi Delta Kappan* magazine had an excellent article on testing, and she
25 suggested that board members read it.

26
27 During the time of Public Comment, Arlie Willems of Mount Mercy College and
28 current Iowa Association of Colleges for Teacher Preparation (IACTE) President
29 expressed the organization's opposition to a student teacher license and
30 submitted a position paper to the Board. In expressing appreciation once again
31 for the input, Board Chair Peter Hathaway later clarified that the proposed
32 student teacher license is an area of interest and something appropriate for
33 discussion, but it is neither on a fast track nor being pushed through.

1 Executive Director Dr. Anne Kruse reported briefly on a number of issues:

2 1) The Board's website now appears on the wallet-sized card that accompanies
3 each new license.

4 2) Documents of an evaluation of Stephen Regan, a practitioner against whom
5 complaints had been filed in 2001, recently arrived in the office, although
6 the actual evaluation took place the spring before July 1, 2002, within the
7 timeframe set by the board. The Board's criteria for restoration were met,
8 and Mr. Regan's license has been returned to its status prior to the
9 sanction.

10 3) Contact information on all former board members has been obtained in
11 preparation for the planned 15th Board anniversary celebration on June 24
12 at Board Member Ying Ying Chen's home in Swisher. Invitations should go
13 out at the end of March.

14 4) A new, more powerful shredder has replaced the older model that broke.

15 5) The new rules for the PK-12 Principal/Special Education Supervisor are in
16 place and have been sent to teacher preparation institutions. Licensure
17 Consultant Susan Fischer has approved programs in five out-of-state
18 institutions. There are none yet in-state.

19 6) The prototype of the new system funded by the technology grant will be up
20 and running shortly.

21 7) The July meeting will be held at Comfort Suites at Living History Farms in
22 Urbandale, and the November meeting will be held at Central College in
23 Pella.

24 8) The legislature is not reviewing anything directly related to the Board. Dr.
25 Kruse brought to the Board's attention, however, a bill to add a half unit of
26 Iowa History to the curriculum (SF 2012); a resolution requesting removal of
27 U.S. Secretary of Education Paige from his position due to his objectionable
28 remarks (HR 124); a bill to add a teacher preparation program faculty
29 member to the Board of Educational Examiners (HF 7, which did not make
30 it out of subcommittee); and a bill reflecting a joint effort by the Department
31 of Education and the College Aid Commission, in conjunction with the
32 Secretary of State, to look at the approval and registration of out-of-state
33 colleges and universities offering programs in the state of Iowa, having them

1 meet the same standards that Iowa schools do (HF 2417). This was also
2 funnel week.

3 9) Dr. Kruse reminded the Board of a brief e-mail she had sent them on the
4 Western Governors University (WGU). She will bring additional information
5 to a future board meeting.

6 10) In response to a question from Board Member Jean Seeland, Dr. Kruse said
7 that a representative of the American Board for Certification of Teacher
8 Excellence (ABCTE) has informally approached her about their Passport
9 program, but the organization has had no formal communication with Dr.
10 Kruse. With federal grant money, the group is currently creating its testing
11 program.

12
13 Assistant Attorney General and legal counsel to the Board Christie Scase
14 updated the Board on judicial proceedings in contested cases 98-12, 01-35,
15 02-25 and 02-29, which respondent attorneys had subsequently taken to
16 district court.

17
18 The Board reviewed proposed rules that would accompany those in 281—
19 83.5(284) Evaluator Approval Training submitted by the Department of
20 Education. Ying Ying Chen moved, with a second by Jean Seeland, to adopt
21 and file the proposed changes to Chapter 20 that would include licensure
22 requirements for the new evaluator endorsement or license as mandated by the
23 Teacher Quality Bill. Roll call vote: Aboud – yes; Carter – yes; Chen – yes;
24 Haigh – yes; Jeffrey – yes; Paulsen – yes; Seeland – yes; Wellborn – yes;
25 Westerhaus – yes; and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

26
27 Judy Jeffrey moved, with a second by John Aboud, to adopt and file the
28 proposed changes to the superintendent and AEA administrator endorsements
29 in Chapter 14 that base requirements on the ISSLIC standards, which include
30 knowledge and performance, and combine the superintendent and AEA
31 administrator endorsements. Roll call vote: Westerhaus – yes; Wellborn – yes;
32 Seeland – yes; Paulsen – yes; Jeffrey – yes; Haigh – yes; Chen – yes; Carter –
33 yes; Aboud – yes; and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

1 The Board fine-tuned noticed proposed rules for the new Iowa Administrative
2 Code chapter, Chapter 25, “Code of Professional Conduct and Ethics,” which
3 will replace Chapters 12 and 13. Substantive changes were made as a result of
4 responses to the public notice and hearing. The Board will review a copy with
5 the latest clarifications and changes at the next board meeting, and staff will
6 contact the Code Editor’s office for guidance on the necessity and/or procedure
7 for re-noticing the proposed rules.

8
9 The Board considered noticed proposed rules for the new Iowa Administrative
10 Code chapter, Chapter 26, “Code of Rights and Responsibilities.” The Board
11 agreed to eliminate the listed responsibility for an educator with unprivileged
12 knowledge of a violation of the code of professional conduct and ethics to report
13 said violation to the Board. Chapter 26 will move forward in tandem with
14 Chapter 25.

15
16 Due to time constraints and her schedule, Assistant Attorney General and legal
17 counsel to the Board Christie Scase did not make a presentation on the 180-
18 day investigative timeline. She left the meeting at this point and will address
19 the topic in April.

20
21 The Board looked at changes to the driver education endorsement. Institutions
22 currently must add courses that are unrelated to the driver education content
23 in order to satisfy the required 15 hours. Brian Carter moved, with a second by
24 Tom Paulsen, to file under Notice of Intended action, the proposed changes to
25 the driver education endorsement in Chapter 14 that reduce the number of
26 required semester hours to nine and add course work in drug and alcohol
27 abuse. Roll call vote: Westerhaus – yes; Wellborn – yes; Seeland – yes; Paulsen
28 – yes; Jeffrey – yes; Haigh – yes; Chen – yes; Carter – yes; Aboud – yes; and
29 Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

30
31 The Board viewed proposed rules for licensure of out-of-state individuals who
32 have not passed their home state’s testing requirements and who might,

1 therefore, try to use Iowa's non-teacher-testing status to gain licensure in their
2 home state. The Board declined to move those rules forward.

3
4 The Board recessed for lunch at 11:38 a.m. and reconvened at 1:53 p.m.

5
6 A first reading was done on proposed rules to deny a Class E license to an
7 individual who has made no progress during the term of a Class A, B, C, or D
8 (conditional) license, unless extenuating circumstances are verified. Staff has
9 encountered lack of progress with some frequency. Said rules would send a
10 clear message to practitioners and administrators alike. The rules will return
11 for notice at the April meeting.

12
13 Dr. Jackie Crawford, Administrative Consultant with the Department of
14 Education, delivered a teacher preparation update to the Board. The first item
15 on her handout summarized the program approval process. A series of tables
16 then showed practitioner preparation institutional data for 2002-2003. The
17 majority of items in the data record were added to the report format as a direct
18 result of the joint meeting of the Board of Educational Examiners and the State
19 Board of Education in September 2003. At that time, both Boards confirmed
20 the excellent job the institutions were doing, but requested the supporting
21 data. In that vein, Ms. Crawford declared, Iowa's standards are some of the
22 most comprehensive and rigorous in the country. The next table showed the
23 professional standards for practitioner preparation with which the institutional
24 programs must be aligned, i.e., INTASC Standards, Iowa Teaching Standards,
25 IOWA Professional Core and additional Department of Education Chapter 79
26 requirements. Multiple sets of national content area standards were not
27 included. Lastly, there were samples of evaluation forms used by five teacher
28 preparation institutions. Executive Director Dr. Anne Kruse said that the
29 Board was welcome to submit suggestions for data gathering or refinement of
30 the institutional data report.

1 Board Chair Peter Hathaway mentioned that the board packet contained
2 material on a proposal for a student teaching license. Discussion of the topic
3 will be taken up at a future board meeting.

4

5 Executive Director Dr. Anne Kruse asked the Board if members were interested
6 in a presentation by representatives of the Western Governors University
7 (WGU) and Troops to Teachers. Board Chair Peter Hathaway recommended
8 that staff first assemble pertinent information on both programs and bring it to
9 the next board meeting.

10

11 There being no further business, Board Chair Peter Hathaway adjourned the
12 meeting at 3:03p.m.